

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 11 2019

**Clerk, U.S. District and
Bankruptcy Courts**

UNITED STATES OF AMERICA)
v.)
JOHN W. HINCKLEY, JR.,)
Defendant / Petitioner.)
Criminal No. 81-0306 (PLF)

MEMORANDUM OPINION AND ORDER

On November 19, 2018, the Court issued a Minute Order directing the parties to file on the public docket redacted versions of three exhibits [Dkt. Nos. 661-3, 661-4, 661-5] and the government's notice [Dkt. No. 661-1] that were filed under seal on November 15, 2018.¹ The three exhibits that were filed under seal are: (1) the Independent Forensic Psychiatric Evaluation of John W. Hinckley, Jr. by Dr. Raymond Patterson; (2) the Independent Forensic Psychological Evaluation by Dr. Mitchell Hugonnet; and (3) the Violence Risk Assessment Update of John W. Hinckley, Jr. by Dr. Samantha Benesh.

In response to the Court's Minute Order, the United States moved [Dkt. No. 667] on December 20, 2018, for leave to file under seal its attached notice of filing of its redacted expert reports. Attached to that sealed motion, the United States filed – also under seal – the redacted versions of Dr. Patterson's report [Dkt. No. 667-2] and Dr. Hugonnet's report [Dkt. No. 667-3]. In its notice of filing of redacted government expert reports [Dkt. No. 667-1], the United

¹ The government's notice [661-1] – originally filed under seal – was filed on the public docket on January 8, 2019 under Dkt. No. 671.

States explained that it “ha[d] provided the proposed redactions to both counsel for Mr. Hinckley and the Department of Behavioral Health. The Department of Behavioral Health has approved the proposed redactions. However, at this time defense counsel has not indicated support or opposition to the proposed redactions.”

The District of Columbia Department of Behavioral Health (“DBH”) then moved [Dkt. No. 668] on December 21, 2018, for leave to file under seal its attached notice of filing of its redacted expert report. Attached to that sealed motion, DBH filed – also under seal – the redacted version of Dr. Benesh’s report [Dkt. No. 668-2]. In its notice of filing of its redacted expert report [Dkt. No. 668-1], DBH explains that it “ha[d] provided the proposed redactions to counsel for Mr. Hinckley and the United States Attorney’s Office. The United States Attorney’s Office has approved the proposed redactions. As of the date of filing, defense counsel has not indicated its position.”

The Court granted by Minute Order the United States’ and DBH’s motions for leave to file under seal their notices of filing of the redacted expert reports on December 20, 2018 and January 8, 2019, respectively. Accordingly, all three expert reports – in their proposed redacted form – and their respective notices of filing have been filed under seal on the docket [Dkt. Nos. 669, 670].

Subsequently, Mr. Hinckley’s counsel made representations by email to this Court and opposing counsel objecting to the filing of the three reports – as redacted by the United States and DBH – on the public docket. He argues that the reports are comprised of personal records, state testing results, and analysis, in which Mr. Hinckley has a privacy interest. Without a hearing or public testimony, Mr. Levine objects to the filing of any of these reports on the public docket.

Accordingly, it is hereby

ORDERED that on or before February 15, 2019, Mr. Hinckley, through counsel, shall submit a memorandum of law presenting his legal arguments, supported by case law, as to why redacted versions of the expert reports should not be filed on the public docket; it is

FURTHER ORDERED that the United States and DBH may file any responses on or before March 1, 2019; it is

FURTHER ORDERED that Mr. Hinckley may file any reply on or before March 15, 2019; and it is

FURTHER ORDERED that the submissions of the parties in response to this order shall be filed on the public docket.

SO ORDERED.

DATE: 1/11/19


PAUL L. FRIEDMAN
United States District Judge